

CHAPTER 83—DEFENSE INTELLIGENCE AGENCY CIVILIAN PERSONNEL

Sec.

- 1601. Defense Intelligence Senior Executive Service.
- 1602. Defense Intelligence Agency merit pay system.
- 1603. Limit on pay.

Historical Note

1981 Amendment. Pub.L. 97-89, Title VII, § 701(a)(1), Dec. 4, 1981, 95 Stat. 1158, added the chapter heading and analysis of sections for chapter 83.

§ 1601. Defense Intelligence Senior Executive Service

(a) The Secretary of Defense may by regulation establish a personnel system for senior civilian personnel within the Defense Intelligence Agency to be known as the Defense Intelligence Senior Executive Service. The regulations establishing the Defense Intelligence Senior Executive Service shall—

(1) meet the requirements set forth in section 3131 of title 5 for the Senior Executive Service;

(2) provide that positions in the Defense Intelligence Senior Executive Service meet requirements that are consistent with the provisions of section 3132(a)(2) of title 5;

(3) provide rates of pay for the Defense Intelligence Senior Executive Service that are not in excess of the maximum rate or less than the minimum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, and that are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;

(4) provide a performance appraisal system for the Defense Intelligence Senior Executive Service that conforms to the provisions of subchapter II of chapter 43 of title 5;

(5) provide for removal consistent with section 3592 of such title and removal or suspension consistent with subsections (a), (b), and (c) of section 7543 of title 5 (except that any hearing or appeal to which a member of the Defense Intelligence Senior Executive Service is entitled shall be held or decided pursuant to procedures established by regulations of the Secretary of Defense);

(6) permit the payment of performance awards to members of the Defense Intelligence Senior Executive Service consistent with the provisions applicable to performance awards under section 5384 of title 5 and

(7) provide that members of the Defense Intelligence Senior Executive Service may be granted sabbatical leaves consistent with the provisions of section 3396(c) of title 5.

CH. 83 DEFENSE INTELLIGENCE PERSONNEL

10 § 1601

(b) Except as otherwise provided in subsection (a), the Secretary of Defense may—

(1) make applicable to the Defense Intelligence Senior Executive Service any of the provisions of title 5 applicable to applicants for or members of the Senior Executive Service; and

(2) appoint, promote, and assign individuals to positions established within the Defense Intelligence Senior Executive Service without regard to the provisions of title 5 governing appointments and other personnel actions in the competitive service.

(c) The President, based on the recommendations of the Secretary of Defense, may award ranks to members of the Defense Intelligence Senior Executive Service in a manner consistent with the provisions of section 4507 of title 5.

(d) Notwithstanding any other provision of this section, the Secretary of Defense may detail or assign any member of the Defense Intelligence Senior Executive Service to serve in a position outside the Defense Intelligence Agency in which the member's expertise and experience may be of benefit to the Defense Intelligence Agency or another Government agency. Any such member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the Defense Intelligence Senior Executive Service.

(e) The Secretary of Defense shall each year submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, at the time the Budget is submitted by the President to the Congress for the next fiscal year, a report on the executive personnel in the Defense Intelligence Agency. The report shall include—

(1) the total number of positions added to or deleted from the Defense Intelligence Senior Executive Service during the preceding fiscal year;

(2) the number of executive personnel (including all members of the Defense Intelligence Senior Executive Service) being paid at each grade level and pay rate in effect at the end of the preceding fiscal year;

(3) the number, distribution, and amount of awards paid to members of the Defense Intelligence Senior Executive Service during the preceding fiscal year; and

(4) the number of individuals removed from the Defense Intelligence Senior Executive Service during the preceding fiscal year for less than fully successful performance.

Added Pub.L. 97-89, Title VII, § 701(a)(1), Dec. 4, 1981, 95 Stat. 1159.)

Historical Note

Effective Date. Section 806 of Pub.L. 89 provided that: "The amendments made by titles V, VI, and VII and by this title affecting this chapter and section 403m of Title 50, War and National Defense; amending

sections 2108, 6304, and 8336 of Title 5, Government Organization and Employees, and sections 403e, 403f, and 405 of Title 50; enacting provisions set out as notes under this section and section 402 of Title 50; and

10 § 1601**GENERAL MILITARY LAW SUBT. A**

amending provisions set out as notes under section 402 of Title 50] shall take effect as of October 1, 1981."

Delegation of Authority. Section 701(b) of Pub.L. 97-89 provided that: "The authority of the Secretary of Defense under chapter 83 of title 10, United States Code [this chapter],

as added by subsection (a), may be delegated in accordance with section 133(d) of title 10, United States Code [section 133(d) of this title]."

Legislative History. For legislative history and purpose of Pub.L. 97-89, see 1981 U.S. Code Cong. and Admin. News, p. 1877.

Library References

Armed Services ⇨27.

C.J.S. Armed Services §§ 38 to 40.

§ 1602. Defense Intelligence Agency merit pay system

The Secretary of Defense may by regulation establish a merit pay system for such employees of the Defense Intelligence Agency as the Secretary considers appropriate. The merit pay system shall be designed to carry out purposes consistent with those set forth in section 5401(a) of title 5.

(Added Pub.L. 97-89, Title VII, § 701(a)(1), Dec. 4, 1981, 95 Stat. 1160.)

Historical Note

Effective Date. Section effective Oct. 1, 1981, see section 806 of Pub.L. 97-89, set out as an Effective Date note under section 1601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 97-89, see 1981 U.S. Code Cong. and Admin. News, p. 1877.

Library References

Armed Services ⇨27.

C.J.S. Armed Services §§ 38 to 40.

§ 1603. Limit on pay

Nothing in this chapter shall be construed to allow the aggregate amount payable to a member of the Defense Intelligence Senior Executive Service under this chapter during any fiscal year to exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such year.

(Added Pub.L. 97-89, Title VII, § 701(a)(1), Dec. 4, 1981, 95 Stat. 1160.)

Historical Note

References in Text. Level I of the Executive Schedule, referred to in text, is set out in section 5312 of Title 5, Government Organization and Employees.

Effective Date. Section effective Oct. 1, 1981, see section 806 of Pub.L. 97-89, set out

as an Effective Date note under section 1601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 97-89, see 1981 U.S. Code Cong. and Admin. News, p. 1877.

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